

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION**

CRIMINAL NO. 4:98CR89

UNITED STATES OF AMERICA

VS.

BARRON FIONE JONES

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ORDER

THIS MATTER is before the Court on the Defendant's motion for reconsideration pursuant to 18 U.S.C. § 3582(c)(2), filed March 16, 2009. The motion is denied.

The Court denied Defendant's previous motion for reduction of sentence based upon the new amendment to the crack cocaine Guidelines. **See Order, filed December 16, 2008.** He asks for reconsideration, citing his significant rehabilitation efforts. However, although Amendment 706 reduces by two levels the Defendant's base offense level, the fact remains that due to the significant amount of crack cocaine attributed to the Defendant as well as his classification as a career offender, the resulting adjusted and total offense levels remain the same.

Therefore, even giving the Defendant the benefit of his rehabilitative efforts, Amendment 706 has no effect on his sentence.

IT IS, THEREFORE, ORDERED that the Defendant's motion for reconsideration is hereby **DENIED**.

Signed: August 3, 2009

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

